

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARMANDO HERNANDEZ MARTINEZ,

Petitioner,

v.

NEIL CLARK,

Respondent.

CASE NO. C07-1497-RSM-JPD

ORDER GRANTING RESPONDENT'S
SECOND MOTION FOR EXTENSION OF
TIME AND RE-NOTING PETITIONER'S
MOTION FOR RELEASE ON BOND

On September 25, 2007, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his detention by the U.S. Immigration and Customs Enforcement ("ICE"). (Dkt. #6). Petitioner requests that he be released from custody, contending that he is a native Indian and a United States citizen. *Id.* Petitioner has filed a Petition for Review with the Ninth Circuit Court of Appeals and a temporary stay of removal is in effect. *See Martinez v. Gonzales*, No. 07- 73769. On November 8, 2007, petitioner filed a "Motion for Release on Bond Pending Adjudication and Request for Stay." (Dkt. #11). The habeas petition and the motion seek the same relief – release from detention.

ORDER GRANTING RESPONDENT'S SECOND
MOTION FOR EXTENSION OF TIME AND RE-NOTING
PETITIONER'S MOTION FOR RELEASE ON BOND
PAGE – 1

1 On December 10, 2007, respondent filed the instant "Second Motion for Extension of
2 Time in which to file Return," requesting additional time to investigate petitioner's "serious,
3 though unsupported claim that he is a United States citizen." (Dkt. #14 at 2). Respondent
4 further requests that the Court re-note petitioner's motion for release for January 11, 2007, so
5 that respondent can file a response to petitioner's motion at the same time as his return to
6 petitioner's habeas petition.

7 Upon review of the record, the Court does hereby ORDER:

8 (1) Respondent's second request for an extension of time (Dkt. #14) is GRANTED.
9 Respondent shall have until January 7, 2008, in which to serve and file his Return to the Habeas
10 Petition.

11 (3) The Clerk is directed to RE-NOTE petitioner's motion for release (Dkt. #11) on the
12 Court's calendar for consideration on January 11, 2008.

13 (4) The Clerk is directed to forward a copy of this Order to petitioner, all counsel of
14 record, and to the Honorable Ricardo S. Martinez.

15 DATED this 11th day of December, 2007.

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18 JAMES P. DONOHUE

19 United States Magistrate Judge
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